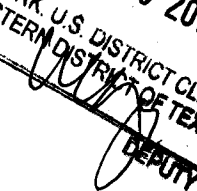


**FILED**  
OCT 10 2017  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
(San Antonio Division)

UNITED STATES OF AMERICA,  
Plaintiff,

V.

ROBERT N. BROOKS,  
Defendant,

Cause No. SA-10-CR-536(1)-FB

**MOTION TO CORRECT THE JUDGMENT IN A CRIMINAL CASE  
-----PURSUANT TO FED. R. CRIM. P. 36-----**

COMES NOW, the Defendant Robert N. Brooks, acting on his own behalf (Pro-Se), and would respectfully request this Honorable Court to Correct the Judgment in a Criminal Case (J & C), entered by this Court on July 29, 2013. See (Attachment "A").

In support of his motion to Correct the Motion in a Criminal case,, Defendant presents the following facts for the Court's consideration:

**JURISDICTIONAL STATEMENT**

Rule 36 of the Fed. R. Crim. Proc. states in pertinent part: "After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other parts of the record, or correct an error in the record arising from oversight or omission." Also See *United States v. Podio*, Lexis 492 (CA5 2017) "Rule 36 is an exception to the rule of divesting district court jurisdiction on appeal." Because Defendant is not seeking substantive relief from his criminal judgment, Rule 36 is appropriate in this instance.

REASON FOR GRANTING THE RELIEF SOUGHT

This request is based on the District Court's Memorandum Decision on August 4, 2017, and the Governemtn's assurance in the § 2255 motion Response filed on November 2, 2016, that Defendant was convicted of conspiracy to commit Mail Fraud only. See (ATTACHMENT "B" Pgs 1-2).

Because Defendant's Judgment in A Criminal Case specifically states that Defendant was convicted of Conspiracy to Commit mail, Wire, Bank Fraud, Aiding and Abetting, pursuant to 18, U.S.C. §§ 1349, 1341, 1343, 1344 and § 2. Defendant would respectfully request the District Court Correct Count One of the Judgment in a Criminal Case in accordance with the District Court's decision that Defendant was convicted of Conspiracy to Commit Mail Fraud only.

Respectfully submitted,

  
Robert N. Brooks

#63355-280

P.O. BX. 1500

El Reno, Oklahoma 73036

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CLERK U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS

63355-280

DEPUTY

Clerk Of The Court

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655 E Cesar E Chavez Blvd

United States Court House

SAN Antonio, TX 78206

United States

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